

## I. AMENDMENT

### Amendment to the Claims:

The following listing of claims replaces all prior versions and listings of claims in the application:

1. (Previously presented) A chimeric polynucleotide comprising a nucleic acid sequence encoding an erythropoietin polypeptide attached to a 5'-UTR sequence, wherein said 5'-UTR sequence comprises SEQ ID NO:6 or 7.

2. (Previously presented) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence includes an adenine as part of a guanine-guanine-adenine triplet encoding glycine at position 2 of said erythropoietin polypeptide.

3-4 (Canceled)

5. (Previously presented) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence comprises SEQ ID NO:11.

6. (Previously presented) The chimeric polynucleotide of claim 1, wherein said nucleic acid sequence comprises SEQ ID NO:12.

7. (Canceled)

8. (Currently amended) The chimeric polynucleotide of claim 1 ~~nucleic acid construct of claim 7~~, further comprising a promoter for directing expression of the chimeric polynucleotide in eukaryotic cells.

9. (Currently amended) The chimeric polynucleotide of claim 1 ~~nucleic acid construct of claim 7~~, further comprising a promoter for directing expression of the chimeric polynucleotide in mammalian cells.

10. (Currently amended) The chimeric polynucleotide ~~nucleic acid construct~~ of claim 9, wherein said promoter is selected from the group consisting of SV40 promoter, CMV promoter, adenovirus major late promoter, and Rous sarcoma virus promoter.

11. (Currently amended) The chimeric polynucleotide ~~nucleic acid construct~~ of claim 8, further comprising a dihydrofolate reductase expression cassette positioned under a control of a thymidine kinase promoter.

12. (Previously presented) An isolated eukaryotic cell comprising the chimeric polynucleotide of claim 1.

13. (Previously presented) The cell of claim 12, which is of mammalian origin.

14-21. (Canceled)

22. (Previously presented) The chimeric polynucleotide of claim 1, wherein said 5'-UTR sequence consists of SEQ ID NO:6 or 7.